

ORDINANCE NUMBER 23-__

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING
AN AMENDMENT TO WHEELER LANDING PLANNED UNIT DEVELOPMENT and
THE UNIFIED DEVELOPMENT ORDINANCE**

This is an Ordinance (this "Ordinance") to amend the Wheeler Landing Planned Unit Development District that of Ordinance 18-04 (as amended) ("Wheeler Landing Ordinance") and the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "UDO");

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted the Wheeler Landing Ordinance as Ordinance 18-04, which has been amended on five occasions through Ordinances 19-37, 19-6, 20-08, 21-05 and 22-52;

WHEREAS, the Westfield-Washington Township Advisory Plan Commission ("Commission") considered a petition (**Petition No. 23__ - PUD - __**) filed with the Commission requesting an amendment to the Unified Development Ordinance, and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** ("Real Estate");

WHEREAS, the Commission forwarded **Petition No. 23__ - PUD - __** to the Common Council with a favorable recommendation (**_____** in favor **_____** against) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing Ordinance, the Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing Ordinance except as revised, modified supplemented or expressly made inapplicable hereby; and (iii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development

District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance. The following words and terms, not defined elsewhere in this Ordinance or its Exhibits, shall have the following meanings:

- 2.1 **Real Estate.** The real estate, as described in **Exhibit A** to the Ordinance.
- 2.2 **Garden Home.** A single story, multifamily building, with at least five units each with an attached garage.
- 2.3 **Multiple Unit Type Building.** A structure containing a mix of assisted living, memory care and independent living units as well as common facilities for dining and recreation. A majority of the units must a combination of assisted living and/or memory care units.
- 2.4 **Dartown Road Façade.** The primary façade of the Multiple Unit Type Building adjacent to the Dartown Road Right of Way.
- 2.5 **South Façade.** The primary façade of the Multiple Unit Type building facing south.
- 2.6 **Remaining Façades.** Any façade on the Multiple Unit Type Building other than the Dartown Road Façade or South Façade.
- 2.7 **MUTB Unit.** A unit available for occupancy in the Multiple Unit Type Building, whether that unit is an assisted living unit, a memory care unit or an independent living unit. Unless otherwise specified herein, an MUTB Unit may be interchangeable with the term “Unit” as provided in Section 6.3(E) of the UDO.

Section 3. **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial conformance with the Concept Plan.

Section 4. **Uses.** Section 5 of the Wheeler Landing Ordinance shall apply to the

Real Estate, except as otherwise modified below:

- A. Additional uses in Area IV: In Addition to the Additional uses permitted by the Wheeler Landing Ordinance (Ord. 18-04) in Area IV, the following uses shall be permitted on the Real Estate:
 - 1. Multi-family; and
 - 2. Assisted Living/Nursing Home

Section 5. **Development Standards.** Section 8 of the Wheeler Landing Ordinance (Ord. 18-04) shall apply to the development of the Real Estate, except as otherwise modified below.

- A. Section 8.3 of the Wheeler Landing Ordinance (Ord. 18-04) as applicable to the Real Estate shall be replaced entirely as follows:

- 1. Section 6.3(E) of the UDO shall apply to the Multiple Unit Type Building, except as specifically modified here.

- (a) The Dartown Road shall comply with Section 5.3 (K)(2)(b) of the UDO.

- (b) The required projection/recessions of Section 6.3(E)(1)(a) of the UDO may be met on the Dartown Façade and the South Façade by the use of covered porches and/or patios on MUTB Unit located on the Dartown Façade and South Façade.

- (c) Section 6.3(E)(1)(a) of the UDO shall not apply to the Remaining Facades.

- (d) 6.3(E)(2)(b) of the UDO shall be modified as follows:

- a. The Dartown Façade shall require sixty percent (60%) masonry requirements.

- b. Twenty five percent (25%) for the South Façade and Remaining Facades and for any accessory buildings on the Real Estate (including but not limited to the detached garage).

- (e)The requirement for consistent use of building materials on all facades are required under 6.3(E)(1)(b) shall be removed so long as the requirements of this Section 5(A)(1)(a)-(d) are met.

- 2. Section 6.3(E) of the UDO shall apply to the Garden Homes, except as specifically modified here:

- (a) The masonry requirement of Section 6.3(E)(2)(b) of the UDO shall be modified to require the masonry requirements for each

façade as shown on **Exhibit D** hereto. For calculations of façade area which is required to be covered by masonry materials, any façade which is part of a covered and recessed porch of at least one hundred (100) square feet in size shall be removed from the total façade calculation.

(b) The requirement for consistent use of building materials on all facades are required under 6.3(E)(1)(b) shall be removed for Garden Homes.

B. Character Exhibit. The Character Exhibit, attached hereto as **Exhibit C** is hereby incorporated as perspectives to capture the intended quality of structures to be constructed on the Real Estate. Buildings shall be constructed substantially similar to those in the Character Exhibit.

Section 6. **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.]

[SIGNATURE PAGE IMMEDIATELY FOLLOWS.]

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2023.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 23-**____ was delivered to the Mayor of Westfield
on the _____ day of _____, 2023, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 23-**____
this _____ day of _____, 2023.

I hereby VETO **ORDINANCE 23-**____
this _____ day of _____, 2023.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by:
Russell L. Brown, Clark, Quinn, Moses, Scott & Grahm, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis,
Indiana 46204

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in
this document, unless required by law. Russell L. Brown

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Character Exhibit
Exhibit D	Garden Home Façade Exhibit

EXHIBIT A
REAL ESTATE

A Part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, ALSO including Block E of the plat of Wheeler Landing Section Two, Secondary plat and Replat of Block "B" and Block "A" Wheeler Landing Section One recorded as Instrument Number 2021018249 in the Office of the Recorder of Hamilton County, Indiana. being more particularly described as follows:

COMMENCING at a Harrison monument found 4 inches below the surface at the Southeast corner of the East half of the Northeast quarter of said Section 35: thence South 00 degrees 11 minutes 06 seconds West(basis of bearing is Indiana State Plane Coordinate System - East Zone) a distance of 28.66 feet; thence North 89 degrees 37 minutes 43 seconds East a distance of 16.50 feet to the East right of way of Dartown Road and to a 5/8 inch rebar with yellow cap stamped "Schneider - Firm #0001 (hereinafter referred to as "rebar") at the POINT OF BEGINNING of this description; thence along the right of way of East 181st/ Street the following 4 courses: 1) North 89 degrees 37 minutes 43 seconds East a distance of 213.79 feet; thence 2) North 00 degrees 22 minutes 17 seconds West a distance of 28.66 feet to a mag nail stamped "Firm 0001"; thence 3) North 89 degrees 37 minutes 43 seconds East a distance of 570.83 feet to a mag nail stamped "Firm 0001"; thence 4) South 00 degrees 19 minutes 37 seconds West a distance of 50.00 feet to the Northwest corner of Block G of Wheeler Landing Section 2 per Instrument Number 2021018249 in the Office of the Recorder of Hamilton County, Indiana; thence along the West line of said Instrument Number, South 00 degrees 19 minutes 37 seconds West a distance of 94.53 feet to the Northernmost point of said Block E; thence along the East line of said Block E the following three courses: 1) South 48 degrees 26 minutes 28 seconds East a distance of 220.88 feet; thence 2) South 10 degrees 18 minutes 42 seconds East a distance of 171.11 feet; thence 3) South 07 degrees 12 minutes 40 seconds West a distance of 534.00 feet to the South line of said Block E; thence along said South line, South 89 degrees 36 minutes 40 seconds West a distance of 133.89 feet to a rebar on the North line of the Secondary Plat of JCF Commerce Subdivision recorded as Instrument Number 2020072949 in said Recorder's Office; thence along the North line of said plat and Instrument Numbers 2012079879 and 2022033496, South 89 degrees 36 minutes 40 seconds West a distance of 781.89 feet to the East right of way of Dartown Road; thence along said East right of way, North 00 degrees 11 minutes 06 seconds East a distance of 961.66 feet to the POINT OF BEGINNING of this description, containing a total of 20.66 acres.

EXHIBIT B
CONCEPT PLAN

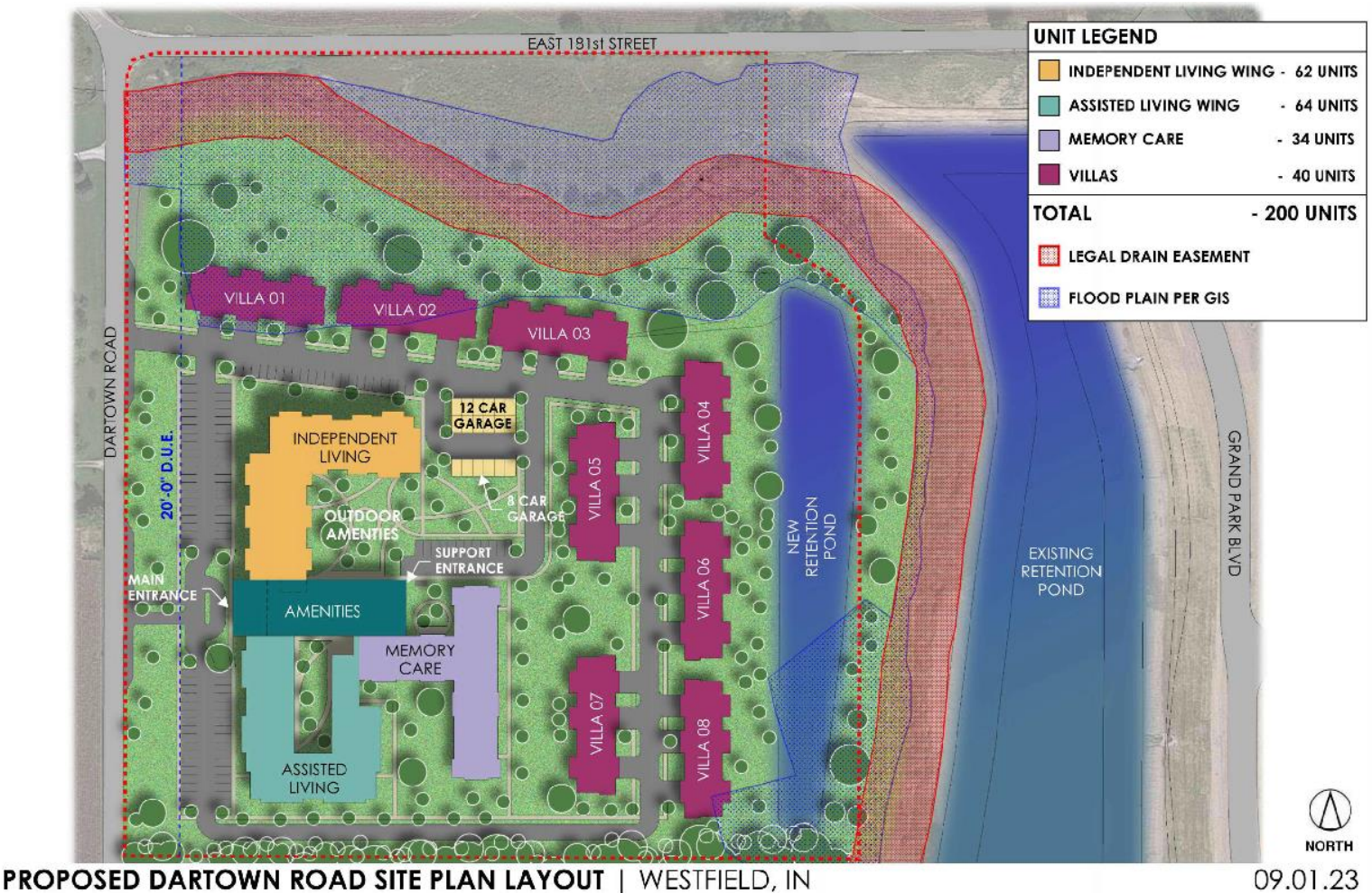


EXHIBIT C
CHARACTER EXHIBIT



SOUTHWESTERN PRESPECTIVE | WESTFIELD, IN

09.01.23



NORTHEASTERN PRESPECTIVE | WESTFIELD, IN

09.01.23

EXHIBIT D
GARDEN HOME FACADE EXHIBIT

